



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA,

Plaintiff,

: DEFAULT JUDGMENT

- v -

APPROXIMATELY \$337,500,000 IN
UNITED STATES CURRENCY, INCLUDING
ADDITIONAL CONTINGENT FUNDS

Defendant-in-rem.
-----x

: 06.Civ. 4227 (LAP)

: AUTOMATICALLY

: DOCUMENT

: ELECTRONICALLY FILED

: DOC#:

: DATE FILED: 9/19/06

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WHEREAS, on June 5, 2006, the United States commenced a civil action for the forfeiture of the above-referenced defendant-in-rem ("defendant funds") by the filing of a verified complaint; and

WHEREAS, as described in the verified complaint, the defendant funds will be transferred to the United States in installments, described therein as the Initial Funds, the Deferred Funds and the Additional Contingent Funds;

WHEREAS, on August 3, 2006, notice of the verified complaint was sent by certified mail, return receipt requested, to Andrew Lavender, Esq., at Dechert, LLP, 30 Rockefeller Plaza, New York, NY 10112, notifying him of his client's right to file a claim and answer and contest the forfeiture; and

WHEREAS, the foregoing is counsel for the only entity known by the Government to have a potential interest in the defendant funds; and

WHEREAS, notice of the verified complaint and in rem warrant against the defendant funds was published in the New York Law Journal once in each of the three successive weeks beginning on July 17, 2006, and proof of such publication was filed with the Clerk of this Court on September 11, 2006; and

WHEREAS, no claims or answers have been filed or made in this action, and no other parties have appeared to contest the action to date, and all statutory-allotted time periods have expired;

NOW THEREFORE, on the motion of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for the plaintiff United States of America,

IT IS HEREBY ORDERED THAT:

1. Plaintiff United States of America shall have judgment by default against the defendant funds.
2. The defendant funds be, and the same hereby is, forfeited to the plaintiff United States of America.

3. The United States Marshal for the Southern District of New York shall dispose of the defendant currency, as each installment is received by the Government, according to law.

Dated: New York, New York
September *19*, 2006

SO ORDERED:


HONORABLE LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE